

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LUNA ECLIPS,  
Plaintiff,

v.

PATRICK HANLEY,  
Defendant.

CASE NO. 3:23-cv-05534-JHC  
ORDER DISMISSING ACTION


This matter comes before the Court sua sponte. Without paying the filing fee or submitting an application to proceed *in forma pauperis* (IFP), Plaintiff Luna Eclips filed a pro se civil rights complaint under 42 U.S.C. § 1983. Dkt. # 1.

Parties filing actions in the United States District Court must pay filing fees. 28 U.S.C. § 1914(a). *See* LCR 3(b) (explaining that a “party must pay the Civil Filing Fee when it files . . . any civil action except for proceedings [IFP]”). An action may proceed without the immediate payment of a filing fee only for parties proceeding IFP. *See* 28 U.S.C. § 1915. Failure to pay the filing fee results in dismissal without prejudice of the action. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir. 1995) (district court properly dismissed without prejudice complaint for failure to pay filing fee).

1 On June 13, 2023, Plaintiff filed their complaint. Dkt. # 1. On June 20, 2023, the Clerk  
2 of the Court sent Plaintiff a notice stating that Plaintiff had not met the filing fee requirement.  
3 Dkt. # 3. The Clerk explained that Plaintiff must either pay the \$402.00 filing fee or submit an  
4 application to proceed IFP by July 20, 2023; it warned that the “[f]ailure to do so may affect the  
5 status of [Plaintiff’s] case, including dismissal of the action.” *Id.* To date, Plaintiff has not  
6 complied with this directive. *See generally* Dkt.

7 Accordingly, this action is DISMISSED without prejudice for failure to either pay the  
8 applicable filing fee of \$402.00 or submit an IFP application.

9 Dated this 21st day of July, 2023.

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11 John H. Chun  
12 United States District Judge  
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